

REMARKS

By this amendment, Applicants have amended claims 1-2 and 8-9. As a result, claims 1-20 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 11-15 are allowed and claims 2, 3, and 20 are objected to as being dependent upon a rejected base claim. Applicants thank the Examiner for the indication of allowable subject matter.

Further, the Office rejects claims 1, 4-10, and 16-19 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,521,109 (Bartie). With respect to claim 1, Applicants have herein amended the claimed invention to state that the sensing layer is exposed to the medium... by at least one perforation in at least one of the contact and a second layer disposed between the sensing layer and the contact. This is clearly distinct from Bartie, in which the active area is formed by a hole in the silicon wafer, which is not a contact and is not disposed between any layer and a contact. As a result, Applicants respectfully request withdrawal of this rejection.

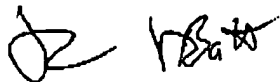
With respect to claim 16, Applicants respectfully submit that Bartie fails to disclose each and every feature of the claimed invention. In particular, Bartie fails to disclose "a contact that includes at least one perforation to expose a sensing layer to the medium" as in the claimed invention. In support of this rejection, the Office apparently alleges that Fig. 4 of Bartie discloses

this feature. However, Applicants note that the only contacts in Fig. 4 of Bartic, e.g., source 54 and drain 55 do not comprise "at least one perforation to expose a sensing layer to the medium" as in the claimed invention. To this extent, the Office states that "[d]ielectric layers 54 and 55 are exposed to outside through cavity 57." Since cavity 57 is not analogous to the claimed contact, Applicants respectfully request withdrawal of this rejection.

With respect to dependent claims 4-10 and 17-19, Applicants note that the Office relies on its rejection of the corresponding independent claims 1 and 16, respectively. Consequently, Applicants herein incorporate the various arguments presented above, and respectfully request withdrawal of these rejections. Further, Applicants respectfully submit that the various dependent claims are patentable for one or more of their own unique features. For brevity, Applicants have not addressed these rejections individually. However, Applicants reserve the right, if required, to later present arguments in response to these rejections.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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